

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK  
Rochester Division

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DONALD MONTGOMERY,  
ANDREW CARTER, LOIS REID,  
KARL BECHLER, and "M.M.,"  
as individuals, and on behalf of  
all other persons similarly situated,

Plaintiffs

vs.

**MOTION TO SEAL**  
(Oral argument is waived)

Civil No.: 6:14-cv-06709

ANDREW M. CUOMO, Governor of the State  
of New York; ANN MARIE T. SULLIVAN,  
Commissioner of the New York State  
Office of Mental Health; MICHAEL C. GREEN,  
Executive Deputy Commissioner of the  
New York State Division of Criminal Justice Services;  
JOSEPH A. D'AMICO, Superintendent of  
the New York State Police; VINCENT F. DEMARCO,  
Suffolk County Sheriff's Department; and,  
EASTERN LONG ISLAND HOSPITAL,

Hon. Charles J. Siragusa

Defendants.

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**Please Take Notice** that upon the accompanying Declaration of Paloma A. Capanna, Attorney (dated October 15, 2015), the Plaintiffs' Memorandum of Law (dated October 15, 2015), the sealed envelope of the State containing its "Motion to Dismiss Papers" (dated February 26, 2015), and the sealed envelope of the Plaintiffs containing Plaintiffs' Exhibit 46, the Plaintiffs, as individuals and on behalf of all other persons similarly situated, by and through their Counsel, respectfully motion this Court at the

United States Courthouse, 100 State Street, Rochester, New York, at a date and time to be scheduled by the Court, for an order:

1. sealing State's Exhibits 14, 24, 25, 26, 27, 29, 30, 31, 33, and 35;
2. further redacting State's Exhibits 28, 32, Call Affidavit Exhibits A – C, State Memorandum of Law at fnnt. 2;
3. if not ordered to be sealed, then further redacting State's Exhibits 31 and 35;
4. sealing Plaintiffs' Exhibit 46; and,
5. such other, further, or different relief as to this Court is just.

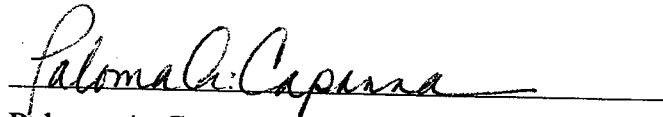
**Please Take Further Notice** that unless a shorter briefing schedule is imposed by the Court, answering papers, if any, to this Motion, must be submitted within 14 days after service of this motion.

**Please Take Further Notice** that the Plaintiffs respectfully request the opportunity to submit a reply in support of the Motion.

**And Please Take Notice** that a proposed Order consistent with this Motion is submitted herewith.

Dated: October 15, 2015


Respectfully submitted,

A handwritten signature in cursive script, reading "Paloma A. Capanna", is written over a horizontal line.

Paloma A. Capanna, Attorney  
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**CERTIFICATION**

I hereby certify that on October 15, 2015, a copy of the foregoing MOTION TO SEAL was filed electronically and served by mail upon anyone unable to accept electronic filing. Notice of this filing was/will be sent via e-mail to all Parties by operation of the Court's electronic filing system or by mail to anyone unable to accept electronic filing as indicated on the Notice of Electronic Filing. Parties may access this filing through the Court's CM/ECF System.

  
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Paloma A. Capanna, Attorney